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## **OHIO CRIMINAL SENTENCING COMMISSION MEETING**

September 12, 2024, 10am-12pm  
Ohio Judicial Center, Room 101

### **MEMBERS PRESENT**

Sharon L. Kennedy, Chief Justice, Chair  
Nick Selvaggio, Judge, Common Pleas Court, Vice-Chair  
Amy Ast, Director, Department of Youth Services  
Brooke Burns, Ohio Public Defender, Juvenile Department  
Annette Chambers-Smith, Director, Department of Rehabilitation and Corrections  
Charles Chandler, Peace Officer  
Robert DeLamatre, Judge, Juvenile Court  
Julia Dorrian, Judge, 10<sup>th</sup> District Court of Appeals  
Kyle Erdeljac, Lieutenant, Columbus Police Department, FOP  
Timothy France, Judge, Municipal Court  
Marianne Hemmeter, Judge Municipal Court  
John Hinton, Sheriff  
Gwen Howe-Gebers, County Prosecutor, Juvenile  
Kristen Johnson, Judge, Probate and Juvenile Court  
Robert Krapenc, Attorney, Criminal Defense  
Teri LaJeunesse, Victim Representative  
Nathan Manning, Ohio Senate  
Stephen McIntosh, Judge, Common Pleas Court  
Elizabeth Miller, Ohio Public Defender  
Jennifer Muench-McElfresh, Judge, Common Pleas Court  
Robert Sellers, Lieutenant, State Highway Patrol  
Darren Shulman, Municipal Prosecutor  
Vernon Sykes, Ohio Senate  
Helen Wallace, Judge, Juvenile Court  
Tyrone Yates, Judge, Municipal Court

### **MEMBERS ABSENT**

Latyna Humphrey, House of Representatives  
Charles McConville, County Prosecutor  
Josh Williams, House of Representatives  
Donnie Willis, County Commissioner

### **STAFF PRESENT**

Melissa Knopp, Executive Director  
Michael Crofford, Research Specialist  
Will Davies, Criminal Justice Counsel  
Todd Ives, Research Specialist  
Alex Jones, Criminal Justice Counsel



## **Call to order and Roll Call**

1. Chief Justice Kennedy called the meeting to order at 10:00 AM. Director Melissa Knopp took roll call, and a quorum was present.

## **Approval of minutes from May 16, 2024**

2. Chief Justice Kennedy asked if there were any changes needed for the May 16<sup>th</sup>, 2024, meeting minutes. None were noted. Judge Muench-McElfresh moved to approve the minutes from the May 16, 2024, Meeting. Director Chambers-Smith seconded, and the motion passed unanimously.

## **2025 Full Commission Meeting Dates Discussion – Proposed Dates**

3. Chief Justice Kennedy stated that a survey had gone out to Commission members asking for the best dates for next year's full Commission meetings. She stated that the 2025 dates listed on the agenda (March 6<sup>th</sup>, May 8<sup>th</sup>, September 25<sup>th</sup>, December 18<sup>th</sup> all from 10:00am – 12:00pm) were the dates most members had available and avoided various trainings, conferences, and other obligations. Judge Yates made a motion to approve the 2025 dates and Defense Attorney Krapenc seconded. The motion was approved unanimously.

## **Committee Reports**

### **Adult Criminal Justice Committee**

4. Director Chambers-Smith gave an update on the work of the Adult Criminal Justice Committee. She discussed the violent offender database and the reference guide that had been developed to help navigate it. She made a motion for the Commission to approve the publishing and distribution of the Violent Offender Database Reference Guide. The motion was seconded by Municipal Prosecutor Shulman and passed unanimously. Criminal Justice Counsel Davies shared that the reference guide will be posted on the Commission website and distributed via OJC.
5. Director Chambers-Smith then shared the work the committee had done in developing/updating a Felony Sentencing Bench Card. She stated that OPD had requested the addition of a section on juvenile sentencing. State Public Defender Miller explained the addition relating to § 2929.19(B)(1) and there was a brief discussion. Director Chambers-Smith then made a motion for the Commission to approve sending the Sentencing Bench Card to PIO for finalization and then publish and distribute. Judge McIntosh seconded the motion, and it was approved unanimously.



6. The director then discussed the recommendations centered around PSIs. The committee is looking to review the requirements for what is included in a PSI and work towards a list or template for use. She stated that judges have expressed wanting to use their own templates but are willing to add additional elements. She then asked that if anyone had notes on suggestions on this topic, to send those to Criminal Justice Counsel Davies to bring to the adult committee.
7. The director then gave a brief update on OJC reviewing the common concerns and questions on Reagan Tokes which they will then bring back to the committee for discussion.
8. Director Chambers-Smith then gave an update on the subcommittee on confinement credit. She shared that the chair and vice-chair are Judge Christen Finley and Judge Matthew Reger respectively and discussed the work that had been done thus far as part of the subcommittee. She mentioned that the Chief Justice is working with a group to develop training for judges on the topic of confinement credit both as a stand-alone review and as part of the Judicial College's training. They will continue to look at other topics that should be included in new judges training.
9. The director then gave a brief update that staff and the committee continue to work on reviewing sentencing appeals but that there was nothing new to report at this time.

#### Juvenile Justice Committee

10. Judge Wallace then presented on the work of the Juvenile Justice Committee. She shared that the committee has now been added back into statute and thanked all of those that contributed to the process. She then shared that the committee had been discussing bindover and that Representative Williams had presented his bill to eliminate mandatory bindover and further utilize SYO status at the last committee meeting. She stated that they had lots more to discuss on this topic and will continue to consider various factors and details at future meetings of the committee.
11. Judge Wallace then discussed the results of Governor DeWine's Juvenile Justice Working Group and the report that was issued. She stated that the committee will review the recommendations closely, including Recommendation #10 which requested that the Commission's juvenile justice committee review Ohio's bindover statutes. Other recommendations were made relating to breaking up larger DYS facilities in favor of utilizing smaller facilities to better tailor treatment needs of youth. She shared that DYS currently runs 11 CCF facilities and will be looking to open more. Director Ast later clarified that the new location of this smaller facility had not yet been determined.



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12. Judge Wallace shared that the next meeting of the juvenile justice committee will be on October 31<sup>st</sup>, and they will be continuing the discussion of mandatory bindovers and the other recommendations from the taskforce's report.

#### Data Committee

13. Chief Justice Kennedy then presented on the work of the Data Committee. She shared a list of the agencies and partners who had presented for the committee and shared the Agency and Available Data Flowchart (Data Map) that had been created to illustrate what information these agencies held. She explained that they will be creating memorandums of understanding (MOU) for partners that required them in order to share certain data. She thanked Research Specialists Ives and Crofford for their work on the flowchart and asked if they had anything to add. Mr. Ives and Mr. Crofford shared that this was designed to be a one-page overview of available criminal justice data and a living document that could be updated as needed. They shared that further detailed sheets of each agency could be developed for more specific information to supplement the flowchart. State Public Defender Miller made a motion for the Commission to approve the Data Map for public release. Judge Hemmeter seconded the motion. Director Chambers-Smith shared that DRC will be changing some of their reported data relating to recidivism and Mr. Crofford asked that any changes be sent to the Research Specialists in email, and they could incorporate those changes. Chief Justice Kennedy also requested that the Sentencing Commission heading be added to the top of the page rather than the bottom. With these requested changes, the motion was approved unanimously.
14. Chief Justice Kennedy gave a brief update on the prosecutor appeals data that had been requested and the current response rate. Mr. Crofford added that they were working with counties, including those with the largest populations, to get their data which would increase the response rate and percentage of the state population represented dramatically.
15. Chief Justice Kennedy gave a brief update on the Monitoring Report. A section on juvenile data will be added to this report and the plan is for that section to be ready for review prior to the next committee meeting. The full report would then be presented at the full commission meeting in November.

#### Personnel Committee

##### Executive Session on Personnel Matters

16. Chief Justice Kennedy then motioned to enter executive session to discuss personnel matters. The motion was seconded by Chief Chandler and was approved unanimously.



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17. Upon completion of discussion, the Commission returned from executive session. Chief Justice Kennedy motioned to leave executive session. Judge Hemmeter seconded and the motion was passed unanimously.
18. Municipal Prosecutor Shulman made a motion to recommend the hiring of Angela Kay Garvey for the Program Coordinator position and offering her a salary of \$65,208.00 and for Chief Justice Kennedy to notify the other applicants thanking them for their application and notifying them immediately. Director Chambers-Smith seconded the motion, and it passed unanimously.
19. Mr. Shulman made a motion to create a new full time Criminal Justice Counsel position with a background and focus on juvenile justice issues. Director Ast seconded, and the motion passed unanimously. Chief Justice Kennedy then made a motion to post the position for 30 days and to authorize the Personnel Committee to screen resumes, hold interviews, and make recommendations by November 21<sup>st</sup>. Judge Johnson seconded the motion, and it passed unanimously.
20. Mr. Shulman made a motion to adopt the new organizational chart dated September 12<sup>th</sup>, 2024. Director Chambers-Smith seconded the motion, and it passed unanimously.
21. Mr. Shulman then motioned to approve Commission staff across the board receive a 5% raise for cost of living backdated to July 1<sup>st</sup>, 2024 for FY2025, for FY2026 a cost of living increase of 4.5%, and FY2027 a cost of living increase of 3%. The Chief Justice asked if there was any discussion. Mr. Shulman shared that the percentages were aligned with the Department of Administrative Services (DAS) contracts. Director Chambers-Smith seconded. The motion passed with 24 members voting in favor, one opposed (Chief Chandler), and no abstentions.
22. There was a brief discussion about the content and language of the next motion relating to DAS steps and longevity. Director Chambers-Smith made a motion to adopt the DAS annual step increases and begin to do longevity calculations for staff in alignment with DAS starting at 0.5% at year five, ending at year 20 with a maximum of 10% for longevity. Chief Chandler seconded the motion, and it passed unanimously.
23. Mr. Shulman made a motion that the Personnel Committee be authorized to create a request for proposals to bid for an outside human resources firm to verify job descriptions, do a compensation study, create salary bands, and to create an employee evaluation system with the caveat that we will also approach DAS to see if they can do this through their class and comp group. The motion was seconded by State Public Defender Miller and passed unanimously.



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24. Mr. Shulman made a motion to approve Todd Ives and one other individual to attend an out of state conference in November. State Public Defender Miller seconded, and the motion was approved unanimously.
25. There was a brief discussion on the budget and the changes to salaries that had been approved and questions about any other adjustments that needed made. Director Knopp responded that there was room in the current budget if an outside HR firm was hired in accordance with previous approved motions. Chief Chandler made a motion to accept the budget that was presented for the 2025/2026 budget with the adjustments for the change to the 5%, 4.5%, and 3% as previously approved. Chief Justice Kennedy seconded, and the motion passed unanimously.

### **Legislative Update**

26. Criminal Justice Counsel Jones then discussed the legislative update. He discussed the bill tracking legislative update materials that had been provided including proponents and opponents and the upcoming legislative sessions. He thanked Senator Manning and his staff for their help with the amendment to HB301 which reestablished the statutory juvenile justice committee. He then briefly discussed the work Commission staff, and the juvenile justice committee have done in working with Representative Williams on the topic of bindover. He then offered that if anyone was interested in additional details on specific legislation, he would be happy to provide that.
27. Director Knopp then shared that she had submitted testimony and testified in front of the Sunset Review Committee on August 28<sup>th</sup>. They had been able to answer all the committee's questions and direct them to the resources and tools that the Sentencing Commission has created.

### **Old Business/New Business**

28. Chief Justice Kennedy then reviewed the rest of the agenda and stated that votes had already been completed on the listed topics.

### **Adjourn**

29. Chief Justice Kennedy reviewed the next Commission meeting date was scheduled for November 21<sup>st</sup> at 10:00am and the meeting was adjourned at 11:17am.